

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

In re Ex Parte Application of

Nokia Technologies Oy and Alcatel Lucent
SAS,

Applicants,

For an Order Pursuant to 28 U.S.C. § 1782
Granting Leave to Obtain Discovery for Use in
Foreign Proceedings.

Civil Action No. _____

DECLARATION OF TIM SMENTKOWSKI

I, Tim Smentkowski, hereby declare, pursuant to 28 U.S.C. § 1746, as follows:

1. I am an attorney-at-law admitted to practice in Germany. I am a Senior Associate with the law firm of Arnold Ruess and represent Nokia Technologies Oy and Alcatel Lucent SAS (“Nokia”) in their patent infringement disputes against Amazon.com, Inc. and its affiliates in Germany.

2. I have personal knowledge of the facts set forth herein, unless stated otherwise, and I make this declaration in support of Nokia’s *Ex Parte* Application for an Order Pursuant to 28 U.S.C. § 1782 Granting Leave to Obtain Discovery for Use in Foreign Proceedings.

3. I have extensive experience with the procedural rules, including discovery rules, in the courts of Germany.

4. Under German law, discovery is very limited in that a party must request a specific document by name to obtain the document from a party-opponent. This type of discovery is not as broad as discovery available in the United States where I understand a party may ask the party-opponent to provide documents that fall within certain categories.

5. Accordingly, Section 1782 discovery is much broader than German law allows.

6. In my experience, the courts in Germany are receptive to Section 1782 discovery, and there is nothing that prohibits parties obtaining or using such discovery in the German courts.

7. On October 31, 2023, Nokia filed a complaint against Amazon and its affiliates for infringement of EP 2399207 B1.

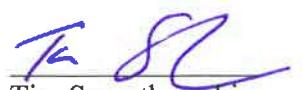
8. On October 31, 2023, Nokia filed a complaint against Amazon and its affiliates for infringement of EP 2774375 B1.

9. On November 7, 2023, Nokia filed a complaint against Amazon and its affiliates for infringement of EP 2375749 B1.

10. I have reviewed the document requests contained in the proposed subpoena, and I believe the discovery requested through this Section 1782 proceeding would be very useful in confirming that Amazon has infringed Nokia's patents for showing infringement of the separate encoding claims of EP 2774375 B1 and EP 2375749 B1, as well showing infringement of EP 2399207 B1 in the pending action in Munich, Germany.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 9th day of November, 2023, in Düsseldorf, Germany.



Tim Smentkowski

**ATTORNEY FOR APPLICANT NOKIA
TECHNOLOGIES OY AND ALCATEL
LUCENT SAS**